

**Notice of Adoption Regarding Readoption with Amendments at N.J.A.C. 6A:8,
Standards and Assessment**

The following is the accessible version of the notice of adoption for the readoption with amendments at N.J.A.C. 6A:8.

Education

State Board of Education

Standards and Assessment

Readoption with Amendments: N.J.A.C. 6A:8

Adopted Repeals and New Rules: N.J.A.C. 6A:8-3.2, 3.3, and 6

Adopted New Rules: N.J.A.C. 6A:8-3.2, 3.4, and 3.5

Proposed: May 5, 2025, at 57 N.J.R. 870(a).

Adopted: October 8, 2025, by the New Jersey State Board of Education, Kevin Dehmer,

Commissioner, Department of Education, and Secretary, State Board of Education.

Filed: October 9, 2025, as R.2025 d.138, **with non-substantial changes** not requiring additional public notice or comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 18A:7A-10 through 14, 18A:7C-1 et seq., 18A:7E-2 through 5, 18A:35-4.2 and 4.7, and 18A:59-5.

Effective Dates: October 9, 2025, Readoption;
 November 3, 2025, Amendments, Repeals, and New Rules.

Expiration Date: October 9, 2032.

Summary of Public Comments and Agency Responses:

The following is a summary of the comments received from members of the public and the Department of Education's (Department) responses. Each commenter is identified at the end of the comment by a number that corresponds to the following list:

1. Tricina Strong-Beebe, School library media specialist
2. Renaë Borgstrom, School library media specialist
3. Dr. JoAnne Negrin, Language and Literacy Associates for Multilingual and Multicultural Education

4. Dr. Elizabeth Franks, Retired multilingual teacher, Bradley Beach Board of Education
5. Katherine Mileto, School library media specialist
6. Nirav Lad, Supervisor, Edison Public Schools
7. Kathleen Fernandez, Executive Director, New Jersey Teachers of English to Speakers of Other Languages/New Jersey Bilingual Educators (NJTESOL/NJBE)
8. Samantha Nagy, Member, NJTESOL/NJBE
9. Derek Sica, Supervisor of English as a Second Language (ESL), Music, Social Studies, and World Languages, Jefferson Township Public Schools
10. Harjot Kaur, Multilingual learner (ML) Data and Testing Specialist, Linden Public Schools
11. Anibal Ponce, Supervisor, Essex County Schools of Technology
12. Julianna Ezzo, ESL teacher, Franklin High School
13. Benjamin Szczepanik, Special education teacher, Piscataway Township School District
14. Jessica Leguizamon, Bilingual education teacher, Franklin Township Public Schools
15. Kimberly Moss, ESL/ML teacher, Jefferson Township Middle School
16. Christine Marconi, Speech language specialist, School District of the Chathams
17. Dr. Vincent Gravina, Director of Curriculum, Woodbury City Public Schools
18. Tracy Skinner, Supervisor of Social Studies, Wall Township Public Schools
19. Ana Ventoso, Supervisor of World Languages, Summit Public Schools
20. Michelle Papa, Principal, Richard Butler Middle School
21. Donnalee Healy, ESL teacher, Riverside Township School District
22. Rachel Schwartz, ESL teacher, Burlington Township High School
23. Dr. Keith Perkins, Supervisor of ESL, Irvington Public Schools
24. Michele Wallace-Ixim, ESL teacher, Irvington Public Schools
25. Stacy Saia, Curriculum coordinator, Riverside Township School District
26. Tina Ezzo, Science teacher, Crossroads South Middle School

27. Stephanie Martinez, Principal, Hopatcong High School
28. Roxy Suggs, Supervisor of Central Registration, Linden Public Schools
29. Joanna Rodzen-Hickey, Coordinator of ESL, Hackettstown School District
30. Steven Carey, Supervisor of Special Areas, Monroe Township Public Schools
31. Lisa Harrison, Spanish teacher, Williamstown High School
32. Kristi Jackson, ESL teacher, Bergen Community College
33. Rosa Rivera, ESL teacher, Williamstown High School
34. Krystal Tornabene, ESL teacher, Linden Public Schools
35. Vanessa Granados, Multilingual Learners Welcome Center, Linden Public Schools
36. Kimberly Cruz-Garcia, Supervisor of World Language, East Brunswick Public Schools
37. Keith Aslin, Security Director, Linden Public Schools
38. Alesksandra Henson, ESL teacher
39. Vladislav Miransky, ESL teacher, Sparta High School
40. Dr. Kayla Lott, Director of Human Resources, Linden Public Schools
41. Heather Danberry, School counselor, Franklin High School
42. Kevin Thurston, School administrator, Linden Public Schools
43. Jamie Blanchard, ESL teacher, James Caldwell High School
44. Diondra Simmons, School counselor, Franklin High School
45. Jacqueline Schumacher, School counselor, Franklin High School
46. Debra Billmann, ML teacher, Delaware Valley High School
47. Joyce Farr, ESL teacher, Monroe Township Public Schools
48. Sonya Bertini, Adjunct faculty member, Rowan University
49. Laurie Knab, English Language Arts (ELA) teacher, French American School of Princeton
50. Stephanie Voit, Director of Curriculum and Instruction, Keyport Public Schools
51. Jennifer Peirson, Director of School Counseling, Keyport Public Schools

52. Dr. Andrea Fontenez, Director of Bilingual and ESL, New Brunswick Public Schools
53. Hana Prashker, English language learner (ELL) teacher, Hasbrouck Heights School District
54. Maribel Joven, Vice Principal, McManus Middle School
55. Pamela Caporale, Assistant Business Administrator, Linden Public Schools
56. Danie Orelie, Director of Multilingual Learners, Linden Public Schools
57. Charles Koonce, Principal, Linden High School
58. Richard Molinaro, Director of Mathematics, Linden Public Schools
59. Laura Venezio, Supervisor of ELA, Linden Public Schools
60. Jennifer Smith, Director of ELA, Linden Public Schools
61. Dr. Atiya Y. Perkins, Superintendent, Linden Public Schools
62. Stephanie Ross, Elementary ESL Supervisor, Linden Public Schools
63. Christopher George, Director of Language and Fine Arts, Phillipsburg School District
64. Alyson Stagich, ESL teacher, Long Branch High School
65. Raymond Fallon, Graduate student, The College of New Jersey
66. Alyxandra Cucinotta, ESL teacher, Franklin High School
67. Anja Norman, Supervisor of Bilingual, ESL, and World Languages, Dover Public Schools
68. Kelly Ryan, ESL teacher, Eisenhower Intermediate School
69. Jennifer Ruiz, ELL teacher, Berkeley Heights Public Schools
70. Timothy Hall, English language consultant
71. Hillary Cadra, ESL teacher, Ewing Public Schools
72. Kathleen O'Flynn, Director of Curriculum and Instruction, Northern Valley Regional School District
73. Danielle Da Giau, Superintendent, Old Tappan Public Schools
74. Kelly Stevens, Supervisor of Curriculum, Demarest Public Schools
75. Paul Wolford, Director of Elementary Education, Haworth Public Schools

76. Sean Conlon, Superintendent, Harrington Park Public Schools
77. Nathalie Covo, Administrative assistant, Northern Valley Regional School District
78. Michael Pinajian, Superintendent, Northvale Public Schools
79. Adrienne Huettenmoser, Principal, Haworth Public Schools
80. Dr. Laura Sullivan, Supervisor of Instruction for Curriculum and Educational Technology,
Old Tappan Public Schools
81. Frank Mazzini, Principal, Demarest Public Schools
82. Kimberly Weber, Teacher, Harrington Park Public Schools
83. Missy Holzer, Ph.D., Science curriculum design consultant
84. Jennifer Santa, Principal, Old Tappan Public Schools
85. Kathleen DeRosa, Principal, Norwood Public Schools
86. Kristen Zanin, Assistant Principal, Closter Public Schools
87. Michele Schreiner, Supervisor of World Languages and Multilingual Learner, Egg Harbor
Township Public Schools
88. Lois T. Baldwin, Supervisor of World Languages, Multilingual Learner Programming, and
Business, Hopewell Valley Regional School District
89. Jackie Burke, Executive Director, New Jersey Council of County Vocational-Technical Schools
90. Ruth Cahill, ESL teacher, Phillipsburg Public Schools
91. Kimberly Fromme, School counselor, Franklin Township Public Schools
92. Daniel Clark, School counselor, Franklin Township Public Schools
93. Dr. Wendy Bordeau, School counselor, Franklin Township Public Schools
94. Matthew Konowicz, Director of Instruction for Agriscience, Applied Technology,
Business, Family Consumer Science, and Visual and Performing Arts, Northern Burlington
Regional School District
95. John Serapiglia Jr., Business Administrator, Linden Public Schools

96. Rhiannon Mindas, Teacher
97. Dr. Ashley Warren, Supervisor of World Languages and Dual Language Immersion, West Windsor-Plainsboro Public Schools
98. Lisa Howard, Supervisor, World Languages/ESL, Scotch Plains-Fanwood Public Schools
99. Petra Liz-Morell, Ed.D., Interim Principal, School No. 1, Linden Public Schools
100. Nicole Ciullo, Associate Director of Policy and Development, Education Law Center
101. Marcella Simadiris
102. Jean Public
103. Geoffrey Zoeller, Kean University
104. Nick Beykirch, Technology and engineering teacher, Bernards Township Public Schools, and Past President, New Jersey Technology and Engineering Educators Association
105. Mala Maharana
106. Jessica Verdiglione, Red Bank Regional High School
107. Matthew Hall, Hunterdon Central Regional High School District
108. Veronica Fiori, Supervisor of ESL, Bilingual Education, and World Languages, Rahway Public Schools
109. Katherine Howard
110. Michelle Land, Past President and Scholarship Chair, NJTESOL/NJBE
111. Amanda Brown, Supervisor of Fine Arts, Health, Physical Education, and World Languages, Warren Hills Regional School District
112. Melissa Weathers, ML teacher, Fair Lawn Public Schools
113. Angelina Martinez, Multilingual and World Language Education Supervisor
114. Angela Timm
115. Florencia Girman, Supervisor of Technology, Edgewater Park Township School District
116. Aphrodite Dellaporte, Special Education Representative, NJTESOL-NJBE

117. Rona Johnson, ESL teacher, Dorothy L. Bullock School
118. Rosemary Quinones-Ericson, ESL teacher
119. David Gardner Garcia, ESL teacher, South Hunterdon Regional High School
120. Susana Rodriguez, Supervisor of ESL and World Languages, Ridgefield Park Junior Senior High School
121. Katherine Stotler, Supervisor of World Languages and MLs, Bernards Township School District
122. Sara Graja, Supervisor of Curriculum and Instruction, Ewing Public Schools
123. Ana Taylor
124. John Burns, Esq., Senior Legislative and Policy Counsel, New Jersey School Boards Association
125. Courtney Madsen, Director, Church World Service

1. Comment: The commenter expressed support for amendments proposed at N.J.A.C. 6A:8 and the Department’s responsiveness to public comments. The commenter also expressed support for the addition of “monitor” to the proposed definition of “NJQSAC” at N.J.A.C. 6A:8-1.3, as it underscores the existing requirement and addresses fidelity in the New Jersey Quality Single Accountability Continuum (NJQSAC) process. (101)

Response: The Department appreciates the support.

2. Comment: The commenter stated that the proposed amendments to the definition of “substitute competency tests” at N.J.A.C. 6A:8-1.3 reference alternative assessments that can be used to demonstrate competency in the NJSLs, including, but not limited to, the SAT, ACT, ACT-Aspire, PSAT, and Accuplacer, but exclude the Accuplacer WritePlacer English Second Language (ESL). The commenter also stated that the Accuplacer WritePlacer ESL was allowed as an alternative assessment in the high school graduation assessment requirements for the class of 2022, but never included in the regulation. (52)

Response: The assessments cited in the definition of “substitute competency tests” at

N.J.A.C. 6A:8-1.3 are among [the third-party assessments approved by the Commissioner](#) and updated annually. The reference to “Accuplacer” in the definition includes the Accuplacer WritePlacer ESL.

3. Comment: The commenters expressed concern about conflicting definitions and unintended consequences of the regulations at N.J.A.C. 6A:8-2.2, 4.2, 4.3, and 5.1 regarding the treatment of technology and engineering education. The commenters stated that the 2020 New Jersey Student Learning Standards (NJSLS) shifted away from nationally recognized standards by conflating “educational technology” with “technology and engineering literacy.” The commenters also stated that terms at N.J.A.C. 6A:8-1.3, such as “technological literacy,” are no longer in alignment with respected national organizations (that is, the International Society for Technology in Education (ISTE), the International Technology and Engineering Educators Association (ITEEA), and the National Science Foundation (NSF)), which, the commenters contended, potentially limits opportunities for students and their readiness. The commenters further stated that the misalignment also undermines essential design and problem-solving skills. The commenters also questioned whether the proposed amendments related to career and technical education (CTE) and “career readiness” mean that the Department’s Office of Career Readiness will be supporting technology and engineering education for all students, as in other states, or if it will be deemphasized. The commenters further stated that the Next Generation Science Standards include some engineering concepts, but they do not replace dedicated courses that provide hands-on design and problem-solving experiences. The commenters urged the Department to reconsider the terminology to ensure that students receive comprehensive and nationally aligned technology and engineering instruction. (94 and 104)

Response: The Department appreciates the comments regarding the treatment of technology

and engineering education in the current NJSLS. Both the NJSLS–Computer Science and Design Thinking and the NJSLS – Career Readiness, Life Literacies, and Key Skills are currently under review; therefore, the Department is developing proposed revisions and will seek public comment in the coming months. Further, N.J.A.C. 6A:8-3.1 requires district boards of education to ensure that curriculum and instruction are designed and delivered in such a way that all students are able to demonstrate the knowledge and skills specified by the NJSLS, which includes concepts in engineering and technology captured in design thinking. The Department declines to change the definition of “technological literacy” at N.J.A.C. 6A:8-1.3 because it focuses on the use of technology to meet the NJSLS.

4. Comment: The commenter stated that N.J.A.C. 6A:8 should acknowledge the variety of immersion programs that exist globally and within the State. The commenter also stated that the proposed term “two-way bilingual immersion” is a specific model of immersion education and does not reference one-way dual language immersion programs, which the commenter stated have been shown to be powerful and effective language programs for multilingual learners (MLs) and monolingual learners. The commenter requested that proposed definition for “two-way bilingual immersion” at N.J.A.C. 6A:8-1.3 be changed to “dual language immersion” and defined to mean “programs that provide literacy and content instruction to all students through two languages and that promote bilingualism and biliteracy, grade-level academic achievement, and sociocultural competence. In a dual language immersion program, teachers at the elementary level provide daily instruction in English and a minimum of 50 percent of instruction in a partner language. At the secondary level, at least two subjects are taught in the partner language.” The commenter supported the addition of language that reflects diverse models and suggested defining secondary immersion programs by the number of courses offered in the partner language, rather than a

fixed percentage of the school day, as stated in the proposed definition of “two-way bilingual immersion.” The commenter suggested that offering at least two courses in the partner language would provide structure and promote consistency and articulation throughout kindergarten through grade 12 (K-12). (9)

Response: The Department declines to replace “two-way bilingual immersion” with “dual language immersion” to avoid confusion with language instruction educational program (LIEP) requirements at N.J.A.C. 6A:15. Dual language programs can be either one- or two-way, depending on the program model and student population. The majority of one-way dual language programs in New Jersey serve students who are not yet proficient in English at the time of enrollment and, therefore, the programs qualify as LIEPs pursuant to N.J.A.C. 6A:15-1.4, which governs one-way dual language programs aligned with Federal requirements pursuant to the Every Student Succeeds Act (ESSA). The Department also declines to define secondary immersion programs by the number of courses rather than the percentage of the school day, as a course-based definition may vary widely across school districts and schools depending on scheduling structures, course lengths, and credit systems, which could undermine consistency in program implementation Statewide. A percentage-based definition ensures consistency across school districts by establishing a clear, measurable, and comparable standard for instructional time in the partner language. Maintaining a percentage framework also provides the necessary flexibility to accommodate diverse scheduling models while ensuring that students in immersion programs receive a meaningful proportion of their instruction in the partner language. The use of “two-way bilingual immersion” at N.J.A.C. 6A:8 distinguishes dual language immersion programs from programs that are designed to meet the LIEP requirements pursuant to N.J.A.C. 6A:15 and the ESSA.

5. Comment: The commenters requested clarification regarding the proposed new requirement at N.J.A.C. 6A:8-3.1(a)3 to make curriculum publicly available. The commenters requested that the Department define the components of the curriculum, stating that making available all curriculum materials could overwhelm community members and would not serve the intended purpose of enhancing understanding of the curriculum and providing transparency of learning objectives at each grade level. (72 through 82, 84, 85, and 86)

Response: The Department appreciates the feedback regarding the original change at new N.J.A.C. 6A:8-3.1(a)3. Based on a prior comment, the Department changed new N.J.A.C. 6A:8-3.1(a)3 at the proposal level, which was prior to the notice of proposal's publication in the New Jersey Register. The paragraph requires district boards of education to make publicly available "all approved curriculum pacing guides and citations for core instructional materials." The Department is confident that the changes at new N.J.A.C. 6A:8-3.1(a)3 fully address the commenters' request to specify the curricular components.

6. Comment: The commenter expressed support for proposed new N.J.A.C. 6A:8-3.2, Inclusive curriculum, and stated that district boards of education should exercise existing statutory authority to develop curricula that are aligned to the NJSLs and reflect the diversity and needs of their student populations. The commenter stated that all students with disabilities should receive instruction designed to meet their needs in the least restrictive environment, and that students identified as gifted and talented receive appropriate instruction. The commenter further stated that State and Federal resources should be available to support the development and implementation of local programs for students identified as gifted and talented. (124)

Response: The Department appreciates the support and plans to continue to develop resources for educators to support all students in meeting the NJSLS.

7. Comment: The commenter expressed support for proposed new N.J.A.C. 6A:8-3.2 and for the required curriculum components at N.J.A.C. 6A:8-3.4(a) and (b) because they will be advantageous to multilingual learners (MLs). The commenter also expressed support for proposed new N.J.A.C. 6A:8-3.2(d), which will require district boards of education to provide language instruction educational programs (LIEPs) in accordance with N.J.A.C. 6A:15, Bilingual Education, because N.J.A.C. 6A:15-1.4(k) expands on the proposed subsection. (4)

Response: The Department appreciates the support.

8. Comment: The commenter expressed support for proposed new N.J.A.C. 6A:8-3.3 and stated that teacher certification must be based on demonstrated effective teaching practices and ongoing professional development that fosters continuous quality of instruction throughout a teacher's career. (124)

Response: The Department appreciates the support.

9. Comment: The commenter asked if there is a timeline for a finding of noncompliance at proposed new N.J.A.C. 6A:8-3.5(c). The commenter also asked how long the collaboration and remediation process will last before the Department issues a finding of noncompliance and whether a school district will have adequate notice and an opportunity to be heard before a noncompliance finding is issued. The commenter further asked if a school district will be able to appeal a noncompliance finding. (124)

Response: N.J.A.C. 6A:8-3.5 provides a process for addressing noncompliance with the implementation of the NJSLS that includes an opportunity for collaboration and

remediation prior to a formal notification of noncompliance. Once noncompliance is noted, the Department will provide technical support to the school district and engage in a period of collaborative remediation to address and remediate the identified curriculum deficiencies. The timeline for collaborative remediation is intentionally undefined to accommodate the specific circumstances of each school district. During this time, the school district will have ample opportunity to provide the Department with information about its compliance with the section. If collaborative remediation is unsuccessful and a written notification of noncompliance is issued, a school district may dispute the finding with the Office of Controversies and Disputes, as set forth at N.J.A.C. 6A:3.

10. Comment: The commenter expressed support for the proposed amendment at N.J.A.C. 6A:8-4.1(d)1 to permit the administration of the New Jersey Student Learning Assessments (NJSLAs) in science to MLs in their native language, when available, because it will be advantageous to MLs. (4)

Response: The Department appreciates the support.

11. Comment: The commenter urged the Department to adopt, at N.J.A.C. 6A:8-5.1, graduation policies that reflect the diversity, promise, and unique trajectories of all students, especially those historically marginalized. The commenter stated that many MLs enter New Jersey schools with interrupted formal education or are newcomers with extraordinary resilience. The commenter also stated that MLs face systemic barriers that narrow pathways to graduation rather than supporting MLs' full development. The commenter further stated that Department data for the 2022-2023 school year indicates that more than six percent of students Statewide were classified as MLs with higher percentages in many urban school districts and that MLs had a graduation rate that was seven percentage points lower than the graduation rate for English-proficient peers. The commenter also cited research that emphasized the importance of flexible pathways to graduation

that include multiple measures of proficiency.

The commenter also recommended the following:

Maintain and expand alternate pathways to graduation, including portfolio assessments, performance-based tasks, and language-proficiency-aligned growth metrics, particularly for students who have been enrolled in schools in the United States for less than five years;

Incorporate, in graduation criteria, language development milestones that recognize student progress in English language acquisition through growth on the ACCESS for ELLs as an indicator of college and career readiness alongside academic performance;

Provide professional development that enables educators to understand the intersection of content instruction and language acquisition and that focuses on MLs, as well as guidance documents that support the graduation requirements;

Ensure that communication about graduation requirements is accessible to families in their home languages by providing translation, interpretation, and outreach supports, and utilize trusted community liaisons to provide the outreach; and

Create regional teams to provide high-needs school districts with graduation-related technical assistance on how to support MLs at risk of not graduating due to language barriers. (99)

Response: The Department appreciates the comments and recommendations. The existing graduation requirements and related practices reflect the diverse needs of all students, while ensuring students receive a thorough and efficient education. The amendments at N.J.A.C. 6A:8-4.2(d)5 add flexibility to the portfolio pathway by introducing the use of new performance-based tasks, including attainment of industry-valued credentials and work-based or service-learning experiences. N.J.A.C. 6A:15 governs English language development, professional learning, translation services, and other supports and requirements specific to MLs; therefore, the remaining comments are outside the scope of this rulemaking.

12. Comment: The commenter stated that the Next Generation Science Standards include connections to engineering design and technology concepts within the discipline of science. The commenter also stated that the integration of engineering and technology concepts, rather than specific and explicit instruction in those areas, can lead to a lack of adequate instruction and the inability for students to develop proficiency. The commenter further stated that science teachers rarely have the proper training and preparation to facilitate engineering and technology activities and to ensure student safety in those areas, and should not be held responsible for the engineering component of a student's educational experience. (104)
- Response: The Department appreciates the commenter's perspective. The Department currently is reviewing both the NJSLS–Computer Science and Design Thinking and the NJSLS–Science and developing proposed revisions. The Department will seek public comment on proposed revisions in the coming months. Both the similarities and distinctions between the disciplines of science and engineering and technology will be addressed in the proposed NJSLS revisions, and guidance will be developed to ensure clarity across the disciplines. Science educators, much like technology and other educators, are held responsible for student safety in their classroom environments pursuant to N.J.A.C. 6A:16, Programs to Support Student Development. While N.J.A.C. 6A:16 contributes to ensuring student safety in science and engineering classrooms, school districts also typically rely on additional resources, such as Occupational Safety and Health Administration (OSHA) guidelines, New Jersey Department of Health guidance, and district board of education policies.
13. Comment: The commenter supported maintaining the five-credit world language graduation requirement at N.J.A.C. 6A:8-3.1(a). The commenter stated that New Jersey is linguistically and culturally diverse and, therefore, it is vital that all students receive a world language education to promote language proficiency in an additional language,

strengthen communication skills, develop intercultural competence, and prepare for successful participation in their multilingual communities and diverse workforce. (9)

Response: The Department appreciates the support.

14. Comment: The commenters requested that the Department amend N.J.A.C. 6A:8 to explicitly state that world language programming is required throughout K-12, as reflected in the NJSLs, to ensure equitable access to language learning opportunities, align with best practices in language acquisition, and reinforce the State’s commitment to multilingualism as an essential skill for the 21st century. The commenters stated that world language program access currently varies greatly among school districts and that questions often arise about when language instruction is required for students. (9 and 88)

Response: The Department appreciates the comment but declines to change the chapter as requested by the commenters because N.J.A.C. 6A:8-3.1(a) requires all school districts to offer K-12 programs that ensure students meet the NJSLs, including world language. The NJSLs–World Languages (NJSLs-WL) include benchmarks by proficiency levels and indicate grade bands (K-2, 3-5, 6-8, 9-12). The Department actively provides professional development and technical assistance to convey this message to all school districts to ensure effective implementation of the NJSLs–WL.

15. Comment: The commenters stated that the proposed N.J.A.C. 6A:8-3.3(b) fails to explicitly require training for all staff and administrators working with MLs, unlike the provisions for students with disabilities and students identified as gifted and talented. (3, 6, 11, and 67)

Response: The Department disagrees. N.J.A.C. 6A:8-3.3(b)5 references “[a]ll additional statutory and regulatory requirements,” which includes requirements at N.J.A.C. 6A:15-1.7 that govern the training required for educators working with MLs.

16. Comment: The commenter expressed concern about the high school graduation assessment requirements, stating that they disproportionately harm students of color and students from low-income backgrounds. The commenter stated that the heavy reliance on standardized testing fails to account for systemic inequities in education, such as unequal access to resources and experienced teachers. The commenter also stated that the current system contributes to student anxiety and mental health challenges, ultimately reinforcing educational inequality, rather than working to resolve it. (106)

Response: The Department disagrees with the assertion that the high school graduation assessment requirements inherently perpetuate educational inequality. Standardized assessments provide an objective and consistent measure of whether students have met the academic expectations established in the NJSL and identify students in need of additional services. Further, the ESSA mandates that states administer, to all students, statewide assessments aligned to states' academic standards in reading/language arts and mathematics in grades three through eight and once in high school. In addition, N.J.S.A. 18A:7C-1 et seq., requires the Department to administer a State graduation proficiency test. The Department and State Board do not have the legal authority to alter State and Federal statutory requirements related to state assessments administered in high school.

17. Comment: The commenters stated that the current practice of administering multiple assessments in high school places unnecessary stress on students, particularly in 11th grade when they already face a heavy testing load. The commenters also stated that the current two-assessment system for graduation and Federal accountability creates logistical challenges and reduces instructional time. (106 and 107)

Response: While the Department appreciates the commenters' perspective, the Department and State Board do not have the legal authority to alter State and Federal statutory

requirements related to State assessments administered in high school. Changes to State statutes must be initiated by the New Jersey Legislature, while changes to Federal laws are initiated by the United States Congress.

18. Comment: The commenter stated that a single, annual standardized assessment that meets both State high school graduation assessment requirements and Federal assessment mandates would be a more effective and efficient solution than the existing two assessments. (107)

Response: The Department declines to make the suggested change to the Statewide assessment system because the current schedule of assessments complies with the ESSA, which mandates that states administer, to all students, statewide assessments aligned to states' academic standards in reading/language arts and mathematics in grades three through eight and once in high school. The existing assessment system also meets the State statutory requirements to administer a State graduation proficiency test. The Department and State Board do not have the legal authority to alter State and Federal statutory requirements related to state assessments administered in high school.

19. Comment: The commenter stated that classroom diagnostic tools offer quick, detailed, and actionable feedback, but Statewide assessments remain outdated and time-consuming. Considering larger, inclusive classes and growing student mental health challenges, the commenter also stated that Statewide assessments cause stress, lack student buy-in, and unfairly assess students with individualized education programs (IEPs) at grade level. The commenter urged the Department to adopt more advanced, ongoing Statewide assessment tools to better support student learning. (96)

Response: The Department appreciates the comment and has been working on transitioning to a new Statewide assessment system, including the development of the next generation of assessments, to maintain high academic standards and continue to ensure equitable access

to a quality education. After engaging New Jersey educators, the Department plans, within the coming year, to develop a new Statewide assessment system that provides the necessary accommodations and ensures assessment security.

20. Comment: The commenter expressed concern regarding the Department's decision prior to proposal level to reject a request to further amend N.J.A.C. 6A:8 to ensure the protection of student data related to the Armed Services Vocational Aptitude Battery-Armed Forces Qualifying Test (ASVAB-AFQT) by mandating that school districts select Option 8 when administering the ASVAB-AFQT to students. The commenter indicated that Option 8 is the only ASVAB-AFQT administration choice that prevents automatic sharing of student data with military recruiters unless students opt to have their data shared. The commenter stated that the Department's previous response, which indicated that school counselors could inform students of their reporting options, is insufficient and makes the protection of students' personal information optional for school counselors and relieves the Department of its responsibility to provide school counselors with the guidance necessary to help students and families make informed choices about using the ASVAB-AFQT to satisfy the State assessment graduation requirement. The commenter urged the Department to reconsider requiring school districts to prioritize Option 8, to provide school districts and school counselors with clear guidance about the option, and to emphasize the need to share the guidance with students and families.

The commenter also stated that the request would align with Federal requirements, pursuant to the ESSA, to provide an opt-out process for sharing student information with military recruiters. The commenter further stated that the Rutgers University School of Law's best practice guide for school counselors on the ASVAB-AFQT administration indicates that Option 8 protects student privacy while preserving career exploration

options, including military enlistment. The commenter requested that the State Board require the selection of Option 8, as other states have done. (100)

Response: The Department recognizes the concerns raised regarding the administration of the ASVAB-AFQT and the importance of protecting student data. However, the Department declines to make the requested change to require the use of a specific reporting option, such as Option 8, as it is more appropriately addressed through guidance. Including, at N.J.A.C. 6A:8, a requirement that Option 8 be selected as the default recruiter contact option would limit school district flexibility and may exceed the Department's authority in prescribing the terms of third-party assessments not developed or administered by the State. Furthermore, the ASVAB-AFQT is a Federally managed assessment with multiple reporting options offered by the Department of Defense, and school districts retain the discretion to administer the test in accordance with Federal requirements and local policies.

21. Comment: The commenter stated that the Department should clarify N.J.A.C. 6A:8-5.1(a)1x and refer to “career readiness, life literacies, and key skills” rather than “career readiness.” The commenter stated that it is unclear which courses would meet the five-credit career readiness graduation requirement other than CTE courses. (103)

Response: The Department declines to make further changes at N.J.A.C. 6A:8-5.1(a)1x because the NJSLS–Career Readiness, Life Literacies, and Key Skills (CLKS) are currently under review, and the Department anticipates that the nomenclature of the readopted NJSLS-CLKS will not include “life literacies” and “key skills” but will retain “career readiness.” If the NJSLS-CLKS nomenclature is amended further as part of the readoption process, the Department would be able to initiate a new rulemaking to align N.J.A.C. 6A:8 with the revised NJSLS-CLKS. The Department will also provide guidance to ensure that

school districts understand the diversity of courses that meet the career readiness graduation requirement.

22. Comment: The commenter stated that the Advanced Placement (AP) Computer Science Principles course does not require knowledge of algebra 1 or geometry, despite N.J.S.A. 18A:7C-2.1 requiring district boards of education to permit an AP computer science course to meet the third-year mathematics course requirement for graduation. The commenter also stated that the Department created separate content standards for computer science and design thinking that are distinct from the NJSLS–Mathematics. The commenter further stated that the Department should change N.J.A.C. 6A:8-5.1(a)1ii to provide school districts with guidance on how to meet both N.J.S.A. 18A:7C-2.1 and N.J.A.C. 6A:8-5.1(a)1ii. (103)

Response: The Department agrees that school districts may need support and guidance to reconcile the content gaps between N.J.S.A. 18A:7C-2.1 and N.J.A.C. 6A:8-5.1(a)1ii, but disagrees that a change at N.J.A.C. 6A:8-5.1(a)1ii is necessary. The Department can develop guidance with input from stakeholders to ensure that the recommendations are appropriate and meet the expressed needs of school districts in implementing both the statute and the regulation.

23. Comment: The commenter supported the proposed amendments at N.J.A.C. 6A:8-5.1(a)1iii because they will ensure that all students have access to all science classes and content, inclusive of earth and space science courses and content. (83)

Response: The Department appreciates the support.

24. Comment: The commenter stated that the Department should include effective dates for the revised science requirements at N.J.A.C. 6A:8-5.1(a)1iii by graduating class, so it is clear

which cohorts of students are affected by the proposed amendments. (103)

Response: The Department declines to make the requested change at N.J.A.C. 6A:8-

5.1(a)1iii. The amendment does not change the existing requirement, but only introduces flexibility in the types of courses that can be part of the 15 credits. The class cohorts in the existing regulation are being deleted because they previously were necessary to phase in additional science courses over three school years. The additional science courses have been fully required for more than a decade.

25. Comment: The commenter requested clarification regarding the reference to “passage of a Department-approved English language proficiency assessment” at recodified N.J.A.C. 6A:8-5.1(f). The commenter also requested adoption of a minimum score required for graduation in the Department-approved English language proficiency assessment. (52)

Response: “[P]assage of a Department-approved English language proficiency assessment” at recodified N.J.A.C. 6A:8-5.1(f) refers to students meeting established proficiency levels on the ACCESS for ELLs exam, which is the collective name for the WIDA Consortium’s suite of summative English language proficiency assessments. ACCESS for ELLs is the Department-approved English language proficiency assessment. N.J.A.C. 6A:15-1.9—rather than N.J.A.C. 6A:8—governs LIEP placement, assessment, exit, and reentry. The Department declines to include, at N.J.A.C. 6A:8, a minimum score to exit LIEP programs because the score is established by the State Board of Education through a resolution and not through rulemaking.

26. Comment: The commenters stated that the currently required minimum score of 4.5 to exit LIEP programs is a barrier for some MLs who may not reach this threshold within four years to meet graduation requirements. (52, 115, and 121)

Response: N.J.A.C. 6A:15-1.9—rather than N.J.A.C. 6A:8—governs LIEP placement,

assessment, exit, and reentry, and the minimum score to exit LIEP programs is established by the State Board of Education through a resolution and not through rulemaking.

Therefore, the comment is outside the scope of this rulemaking.

27. Comment: The commenter stated that the ACCESS for ELLs assessment is not an accurate or valid measure of language proficiency. (115)

Response: The Department disagrees, as the ACCESS for ELLs assessment meets Federal ESSA requirements for monitoring and reporting MLs' progress toward English language proficiency. In partnership with the WIDA Consortium, the Department continuously reviews and refines the ACCESS for ELLs assessment to ensure its validity and reliability. Annual technical reports for ACCESS for ELLs, available at <https://wida.wisc.edu/resources>, provide evidence of the validity and reliability of the assessment.

28. Comment: The commenter stated that efforts should be focused on improving instruction for MLs in non-ESL classrooms instead of requiring students to demonstrate language proficiency for graduation. (115)

Response: N.J.S.A. 18A:7C-1 et seq., requires students to demonstrate basic skills, which include reading, writing, and computational skills, as a minimum requirement for graduation from a public high school in the State. New N.J.A.C. 6A:8-3.2 requires school districts to provide all students with the opportunity to attain the goals of an NJSLS-based curriculum in an educational environment that is designed to meet students' needs. The new section also requires district boards of education to create curriculum, customize instructional adaptations, allocate resources to provide equitable access to courses, programs, and experiences, and build student-centered learning environments that meet the NJSLS. The new section further includes requirements for instructional adaptations and

programs for diverse learners, such as students with disabilities, MLs, and students identified as gifted and talented.

29. Comment: The commenters stated that recodified N.J.A.C. 6A:8-5.1(f) appears to require MLs to demonstrate English proficiency to graduate, which the commenters contended may conflict with Federal law, research in the field of second language acquisition, and practical timelines. The commenters also stated that this requirement will create barriers to graduation for MLs. (3, 4, 6, 7, 11, 23, 36, 38, 53, 67, 87, 108 through 114, 116 through 120, 122, 123, and 125)

Response: The requirement at N.J.A.C. 6A:8-5.1(f) has existed since 2000 and has undergone minor technical, non-substantial amendments over time to address changes in the names of assessments and syntax issues. N.J.A.C. 6A:8-5.1 does not include differentiated graduation requirements for different student groups, but provides alternate pathways for students to pursue if the established requirements are not met. The Department will continue to analyze existing relevant data and obtain input from stakeholders regarding graduation-related assessment recommendations for MLs.

30. Comment: The commenters expressed concern regarding the existing requirement at recodified N.J.A.C. 6A:8-5.1(f) for all MLs to satisfy the high school graduation requirements. The commenters stated that MLs can demonstrate they have attained State minimum levels of proficiency through passage of the portfolio appeals process in their native language, but expressed concern about requiring MLs to pass a Department-approved English language proficiency assessment. The commenters suggested that the provisions are contradictory because MLs who complete the portfolio appeals process in their native language usually have not passed the English language proficiency assessment because, if they did, they would complete the portfolio in English. The commenters stated

that this must be an oversight and contended that passing the English language proficiency assessment has never been a graduation requirement. (4, 87, and 114)

Response: The requirement at N.J.A.C. 6A:8-5.1(f) has existed since 2000 and has undergone minor technical, non-substantial amendments over time to address changes in the names of assessments and syntax issues. N.J.A.C. 6A:8-5.1 does not include differentiated graduation requirements for different student groups, but provides alternate pathways for students to pursue if the established requirements are not met. The Department will continue to analyze existing relevant data and obtain input from stakeholders regarding graduation-related assessment recommendations for MLs.

31. Comment: The commenter stated that the proposed amendments at recodified N.J.A.C. 6A:8-5.1(a)2i(1)(B) and (C) that the Department included at the proposal level do not achieve the goal of setting separate requirements for each of the three possible scenarios (that is, career and technical education programs, work-based learning experiences, and dual enrollment opportunities) and, instead, included them as clauses in a list of requirements for any individualized learning opportunities. The commenter requested that the Department clarify that the proposed amendments specify that each scenario has separate requirements and that a learning opportunity does not have to meet the requirements in all three scenarios. (89)

Response: The Department agrees that the proposed amendments may not achieve the goal of setting separate requirements for each of the three possible scenarios of individualized student learning opportunities (that is, career and technical education programs, work-based learning experiences, and dual enrollment opportunities). The proposed amendments at recodified N.J.A.C. 6A:8-5.1(a)2i(1) were intended to establish separate requirements for each of three possible scenarios that allow for flexibility in the role of appropriately certified educators in the delivery of individualized student learning opportunities. As indicated by the

commenter and other stakeholders, educators, and administrators may misinterpret the proposal as requiring all three conditions to be met for any individualized opportunity, including career and technical education programs, work-based learning experiences, and dual enrollment opportunities. This confusion could cause school districts to halt or delay programs, which would reduce student access to meaningful learning experiences.

If recodified N.J.A.C. 6A:8-5.1(a)2i(1) is adopted as proposed, it could unintentionally harm students by leading school district officials to presume that all three sets of requirements must be met simultaneously, thereby making it administratively or logistically impossible to offer certain programs, such as CTE programs, work-based learning, or dual enrollment, especially in underserved areas. Furthermore, each type of program has different requirements for supervision and educator certificates. CTE programs, work-based learning experiences, and their unique and respective educator certificate requirements are governed pursuant to N.J.A.C. 6A:19-6.4 and 6A:9B-14.19 and 14.20, while dual enrollment programs are typically delivered either by certified educators or non-certificated university faculty. If school districts think they must apply a uniform approach and requirements to all three types of programs, otherwise eligible programs or educators could be disqualified and, therefore, student learning options could be severely limited, rather than expanded, as intended by the original proposal.

Further amending recodified N.J.A.C. 6A:8-5.1(a)2i(1) at the adoption level will not negatively impact students, educators, or school districts; in fact, the additional proposed amendments will help students, educators, and school districts by clarifying and preserving the intended flexibility. Clearly separating the requirements by each scenario will allow school districts to design learning experiences tailored to their students' interests and the types of available opportunities without fear of noncompliance with recodified N.J.A.C. 6A:8-5.1(a)2i(1). The additional proposed amendments will also ensure that CTE

programs, work-based learning, and dual enrollment programs can each operate within their unique guidelines, which will help more school districts create new pathways that align with their students' interests and postsecondary goals. Simplifying and clarifying the proposal will also avoid misinterpretation by school districts, which will benefit students who rely on alternative or flexible learning models to meet graduation requirements.

32. Comment: The commenter stated that the Department should revert back to the amendment at N.J.A.C. 6A:8-5.1(a)2i(1)(A), proposed at first discussion for individualized student learning opportunities to “[b]e designed, approved, and delivered or supervised” by appropriately certified educators. The commenter also stated that removing “or supervised” removed the flexibility intended by the original proposed amendment, especially for students who are athletes, dancers, or musicians, and essentially undermines the use of “Option Two” to allow students to use authentic learning experiences to meet graduation requirements. The commenter further stated that the Department should include effective dates for the student graduation cohorts affected by the amended rules. (103)

Response: The Department appreciates the comment regarding the deletion of “or supervised” and recognizes that the proposed amendment may have introduced unintentional barriers. Therefore, the Department has made further changes to N.J.A.C. 6A:8-5.1(a)2i(1), as indicated in the Response to Comment 31. The Department declines to include an effective date, as the amendments clarify the existing rule and do not change the requirements.

33. Comment: The commenters expressed concern that the proposed amendments at recodified N.J.A.C. 6A:8-5.1(a)2i(2) may conflict with existing State and Federal civil rights laws, especially regarding ESL instruction, because they could create barriers to graduation by limiting MLs' access to CTE and advanced coursework. The commenters also expressed concern about fairness in graduation requirements, especially for students who arrive to the

program late in their high school careers. The commenters further questioned the proposed amendments to classify group ESL and CTE programs as individualized student learning opportunities. (3, 6, 11, and 67)

Response: The amendments at recodified N.J.A.C. 6A:8-5.1(a)2i(2) were deleted in an agency-initiated change at the proposal level, which was prior to the notice of proposal's publication in the New Jersey Register.

34. Comment: The commenters opposed the proposed amendment at N.J.A.C. 6A:8-5.1(a)2i(2) that would prevent educators with an ESL endorsement from teaching high school ESL courses for English language arts (ELA) or world language graduation credit unless they have dual endorsements or co-teach with a teacher who holds the appropriate content endorsement. The commenters stated that this contradicts previous Department guidance that teachers with an ESL endorsement are qualified to teach ELA and world languages to MLs and can independently teach ELA to MLs. The commenters also stated that educator preparation programs for the ESL endorsement include linguistics, literacy development, and language acquisition strategies. The commenters further stated that the WIDA English Language Development Standards align with New Jersey's ELA standards and previous Federal and State policies (that is, the No Child Left Behind Act and N.J.A.C. 6A:15-1.4(k)) have already recognized ESL teachers as highly qualified for these roles. (3, 4, 6 through 14, 16, 17, 18, 21, 23 through 39, 41 through 62, 64, 65, 66, 68, 69, 70, 71, 80, 84, 87, 95, 96, 98, and 99)

Response: The amendments at recodified N.J.A.C. 6A:8-5.1(a)2i(2) were deleted in an agency-initiated change at the proposal level, which was prior to the notice of proposal's publication in the New Jersey Register.

35. Comment: The commenter suggested that the Department phase in a requirement to include additional content addressing ESL/bilingual student support in educator preparation programs. The commenter stated that this could include encouraging teacher candidates to hold dual endorsements and/or include an add-on ESL endorsement. The commenter stated that, until the suggested provisions can be offered, it is unfair to expect that school districts will be able to comply with the proposed amendments at recodified N.J.A.C. 6A:8-5.1(a)2i(2), which, the commenter contended, will result in MLs missing required courses. (4)

Response: The amendments at recodified N.J.A.C. 6A:8-5.1(a)2i(2) were deleted in an agency-initiated change at the proposal level, which was prior to the notice of proposal's publication in the New Jersey Register.

36. Comment: The commenter asked if the proposed amendments at recodified N.J.A.C. 6A:8-5.1(a)2i(2) complement, contradict, or override existing N.J.A.C. 6A:15-1.4(k), which provides school districts with a process for awarding graduation credits for ESL courses. (15)

Response: The amendments at recodified N.J.A.C. 6A:8-5.1(a)2i(2) were deleted in an agency-initiated change at the proposal level, which was prior to the notice of proposal's publication in the New Jersey Register.

37. Comment: The commenters stated that the proposed requirement at new N.J.A.C. 6A:8-5.1(a)2i(2)(B) for ESL courses designed to meet graduation requirements to be delivered either by ESL or bilingual educators who also hold an ELA endorsement or co-teach with a teacher holding an ELA endorsement would create staffing and financial burdens for school districts, complicate scheduling, and, most importantly, add barriers to graduation for MLs. (17, 22, 39, 40, 49, 61, 62, 64, 66, 69, 70, 87, and 90)

Response: New N.J.A.C. 6A:8-5.1(a)2i(2)(B) was deleted in an agency-initiated change at

the proposal level, which was prior to the notice of proposal's publication in the New Jersey Register.

38. Comment: The commenters stated that studies indicate that integrated, content-based ESL instruction leads to stronger academic and language outcomes, which, the commenters contended, directly opposes the reasoning for the proposed amendments at N.J.A.C. 6A:8-5.1(a)2i(2). The commenters urged the Department to maintain the existing policy at N.J.A.C. 6A:15-1.4(k) and uphold equitable access to quality education for MLs. (17 and 90)
Response: The amendments at N.J.A.C. 6A:8-5.1(a)2i(2) were deleted in an agency-initiated change at the proposal level, which was prior to the notice of proposal's publication in the New Jersey Register.
39. Comment: The commenter opposed the proposed amendment at N.J.A.C. 6A:8-5.1(a)2i(2) that would require ESL teachers to have dual endorsements. The commenter proposed an alternate approach that would group English learners by proficiency level using reliable data (that is, WIDA scores), assign ESL teachers to lead ELA instruction for each proficiency-level student group, which would replace general education ELA until MLs meet a proficiency benchmark, and develop transition criteria collaboratively between ESL and ELA teachers. The commenter suggested that the current model leaves general educators under prepared and unable to adequately serve either MLs or general education students. (63)
Response: The amendments at N.J.A.C. 6A:8-5.1(a)2i(2) were deleted in an agency-initiated change at the proposal level, which was prior to the notice of proposal's publication in the New Jersey Register.
40. Comment: The commenters stated that during the N.J.A.C. 6A:8 readoption process, the Department did not consult with key stakeholders in multilingual education and contended

that no one in the Department's Office of Standards or Office of Assessments has significant experience working with MLs. (7, 21, and 87)

Response: The Department disagrees, as the solicitation of internal and external feedback is an integral component of every rulemaking process. Every division, including the Division of Educational Services and its Office of Supplemental Educational Programs, was consulted regarding the existing rules and amendments at N.J.A.C. 6A:8 prior to the first discussion. Both the Office of Standards and the Office of Assessments are comprised of appropriately qualified staff who have experience supporting MLs and who regularly collaborate with colleagues in the Office of Supplemental Educational Programs to serve all students, including MLs.

41. Comment: The commenter asked why data regarding passage of the State graduation proficiency assessment are not routinely made available so local taxpayers have a full report on the education system's effectiveness in producing graduates. The commenter contended that the Department stated that the data are available in NJSMART and, therefore, should be made available on each school district's website a month after students graduate high school. The commenter also asked when the data will be available and published. (102)

Response: Existing N.J.A.C. 6A:8-5.2(f) requires the chief school administrator to report, at a public meeting no later than September 30 of each year, the total number of students who graduated, including those who utilized a substitute competency test or the portfolio appeals process.

42. Comment: The commenters stated that MLs may face challenges in qualifying for the State Seal of Biliteracy as set forth at N.J.A.C. 6A:8-5.3 due to current timing and assessment requirements. The commenters requested that the Department amend the section to allow

MLs who are seniors and have yet to meet ELA graduation requirements to demonstrate proficiency in two languages through an English language assessment (that is, WIDA MODEL) that is administered in the fall or winter of their senior year, alongside current approved assessments for other languages. The commenters stated that this would create a more equitable path for MLs to earn the State Seal of Biliteracy. (9 and 88)

Response: Results from assessments administered from January 1 of a student's junior year through the testing deadline of February 10 of a student's senior year may be used to meet the requirements for the State Seal of Biliteracy. The Department-approved assessments are not referenced at N.J.A.C. 6A:8-5.3 but are updated by the Department, after consulting with the State Seal of Biliteracy Advisory Committee, and presented to the State Board of Education for approval. The Department will engage with the advisory committee to determine whether to propose allowing MLs who are seniors to demonstrate English proficiency through a fall/winter WIDA MODEL.

43. Comment: The commenter supported the proposed amendments at N.J.A.C. 6A:8-5.3(d)3 to require the inclusion of the "New Jersey State Seal of Biliteracy" as the Commissioner-developed insignia on the student's transcript because it will be advantageous to MLs. (4)

Response: The Department appreciates the support.

44. Comment: The commenter expressed support for the NJSLS in information literacy and for proposed new N.J.A.C. 6A:8-6.1(c)1ii. The commenter stated that instruction in media literacy will reduce violent behavior by teaching students the difference between reality and fiction. The commenter also stated that higher education institutions should include information literacy training as part of educator preparation programs. (124)

Response: The Department appreciates the support for information literacy and N.J.A.C. 6A:8-6.1(c)1ii. The rules governing educator preparation programs are found at N.J.A.C.

6A:9A, New Jersey Educator Preparation Programs. Therefore, the comment related to higher education institutions is outside the scope of this rulemaking.

45. Comment: The commenters supported the NJSLS in information literacy and at proposed N.J.A.C. 6A:8-6.1(c)1ii. The commenters stated that P.L. 2022, c. 138, does not require information literacy instruction to be delivered by classroom teachers and, instead, states that “[t]he school library media specialist shall be included in the development of the curriculum concerning information literacy whenever possible.” The commenters suggested that the Department change proposed N.J.A.C. 6A:8-6.1(c)1ii to replace “delivered by classroom educators in partnership with school library media specialists” with “delivered by school library media specialists and/or classroom educators in partnership with school library media specialists” because the main function of a school library media specialist is the delivery of instruction in information literacy skills. (1, 2, and 5)

Response: The Department agrees and proposed the amendments at N.J.A.C. 6A:8-6.1(c)1ii at the proposal level.

46. Comment: The commenter requested the Department consider administering the grade 11 NJSLSA-Science within the same testing window as the New Jersey Graduation Proficiency Assessment (NJGPA) to optimize student performance and reduce the impact on instructional time and scheduling logistics. (105)

Response: The Department provides school districts with the annual schedule for the Statewide assessment program, including specific dates and administration windows for each assessment. The testing schedule is determined by the Department on an annual basis after consideration of various factors, including, but not limited to, State and Federal mandates, logistical considerations, etc. Due to the dynamic nature of the annual administration windows, the testing schedule is not established at N.J.A.C. 6A:8.

Summary of Agency-Initiated Changes Upon Adoption:

1. The Department is changing the definition of “advanced coursework” at N.J.A.C. 6A:8-1.3 by capitalizing “advanced placement,” which reflects the definition as approved by the State Board of Education for publication. “Advanced Placement,” which is the formal name of the specific types of courses and related assessments, was inadvertently lowercased during the editing process.
2. The Department is changing N.J.A.C. 6A:8-2.1(a) to clarify that the cited statutes include N.J.S.A. 18A:7F-4.2 and 46.
3. The Department is changing N.J.A.C. 6A:8-3.5(i) to add “it” before “is not implemented” to clarify that the language relates to the corrective action plan. The amendment mirrors the use of “it” before “is determined,” which was added during the editing process after the State Board approved the rulemaking for publication.
4. The Department is changing new N.J.A.C. 6A:8-5.1(a)6 to add a reference to a recently enacted public law that amended the procedures for students seeking an exemption from the graduation requirement to complete the Free Application for Federal Student Aid (FAFSA) or the New Jersey Alternative Financial Aid Application. P.L. 2023, c. 295 established the requirement, which applies to students in the graduating classes of 2025, 2026, and 2027, and the exemption procedures. P.L. 2025, c. 95, which was enacted on July 8, 2025, amended the exemption procedures; therefore, the change upon adoption ensures that the new paragraph aligns with the amended procedures. Not making the change upon adoption could create confusion for students, parents, and school administrators regarding the process to follow for student exemptions.

Federal Standards Statement

The rules readopted with amendments, new rules, and repeals are in compliance with, and do not exceed, Federal education requirements included in the Elementary and Secondary Education Act (ESEA) (P.L. 114-95) and in the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. § 1400). There are no other Federal requirements that impact the rules readopted with amendments, new rules, and repeals.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 6A:8.

Full text of the adopted amendments and new rules follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks *[thus]*):

Subchapter 1. General Provisions

6A:8-1.3 Definitions

The following words and terms shall have the following meanings when used in this chapter unless the context clearly indicates otherwise.

...

“Advanced coursework” means courses and programs including, but not limited to, *[advanced placement]* ***Advanced Placement*** courses, career and technical education, International Baccalaureate, honors, and dual enrollment options

...

Subchapter 2. The New Jersey Student Learning Standards

6A:8-2.1 Authority for educational goals and standards

(a) The State Board of Education is responsible for establishing State educational goals and standards pursuant to N.J.S.A. 18A:4-10, 18A:7C-1, ***and*** 18A:7F-4.2*[,]* and 46.

1. (No change from proposal.)

(b) (No change from proposal.)

Subchapter 3. Implementation of the New Jersey Student Learning Standards

6A:8-3.5 Accountability for implementation of NJSLS

(a)-(h) (No change from proposal.)

(i) When a corrective action plan is not submitted, it is determined by the Commissioner, or the Commissioner's designee, to be unacceptable, or ***it*** is not implemented, the Commissioner shall notify the CSA of the action(s) that the Commissioner intends to take pursuant to State law, rules, and regulations.

Subchapter 5. Implementation of Graduation Requirements

6A:8-5.1 Graduation requirements

(a) For a State-endorsed diploma, district boards of education shall develop, adopt, and implement local graduation requirements that prepare students for success in postsecondary degree programs, careers, and civic life, that are delivered by educators who are appropriately certified within each of the NJSLS content areas, and that include the following:

1. (No change from proposal.)

2. The 120-credit requirement set forth at (a)1 above may be met through program completion of a range of experiences that enable students to pursue a variety of individualized student learning opportunities, as follows:

i. District boards of education may establish general policies and procedures for the implementation of individualized student learning opportunities that meet the NJSLS, as well as any performance or competency assessment that will be used to determine student completion of programs.

(1) Individualized student learning opportunities based upon specific instructional objectives aimed at meeting the NJSLS and intended to supplant NJSLS-based courses shall:

(A) Be designed, approved, and delivered by appropriately certified educators*[*]**, **except as follows:***

[(B)] ***(I)*** For approved career and technical education programs and work-based learning experiences, ***individualized student learning opportunities shall*** be designed, approved, and supervised by appropriately certified educators in accordance with N.J.A.C. 6A:19-6.4 and 6A:9B-14.19 and 14.20; ***or***

[(C)] ***(II)*** For dual enrollment, ***individualized student learning opportunities shall*** be reviewed and approved by appropriately certified educators;

Recodify proposed **(D), (E), and (F) as (B), (C), and (D)** (No change in text from proposal.)

(2) – (5) (No change from proposal.)

ii. – vi. (No change from proposal.)

3. – 5. (No change.)

6. For students in the graduating classes of 2025, 2026, and 2027, completion of a financial aid application in a form prescribed by the Higher Education Student Assistance Authority, including, but not limited to, the Free Application for Federal Student Aid (FAFSA) or the New Jersey Alternative Financial Aid Application, or be exempted from the requirement in accordance with procedures set forth at P.L. 2023, c. 295 ***and P.L. 2025, c. 95***;

7. – 10. (No change from proposal.)

(b) – (g) (No change from proposal.)

6A:8-5.2 High school diplomas

(a)-(e) (No change.)

(f) Pursuant to N.J.S.A. 18A:7C-7 and 18A:7E-3, the chief school administrator shall report annually to the district board of education or the charter school or renaissance school project board of trustees at a public meeting not later than September 30, and to the Commissioner:

1.-5. (No change.)

6. The number of students denied graduation from the 12th grade class solely **[because of]** ***due to*** failure to pass the State graduation proficiency test, substitute competency tests, or portfolio appeals process based on the provisions of this chapter.